

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MICHAEL P. SKAU,

Plaintiff,

VS.

OSCAR MENDOZA, *et al*,

Defendants.

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CIVIL ACTION NO. C-08-393

ORDER

For the reasons set forth below, this Court hereby DISMISSES the above-styled action for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b).


Plaintiff filed his complaint with the Court on December 22, 2008. (D.E. 1) The Court scheduled an initial pretrial conference (“IPTC”) for February 9, 2009. (D.E. 2.) The Court then reset the date of the IPTC to March 9, 2009. (D.E. 5.) Plaintiff’s counsel appeared at the March 9, 2009 IPTC and revealed that he had made no attempt to serve Defendants. Further, Plaintiff failed to file the required Discovery/Case Management Plan and failed to file a list of all persons financially interested in the outcome of this litigation, as required by this Court’s Order for Conference and Disclosure of Interested Parties. (D.E. 2.)

“A district court *sua sponte* may dismiss an action for failure to prosecute or to comply with any court order.” Larson v. Scott, 157 F.3d 1030, 1031 (5th Cir. 1998); see also Anthony v. Marion County Gen. Hosp., 617 F.2d 1164, 1167 (5th Cir. 1980) (“Rule 41(b) provides that a case may be dismissed for failure to prosecute ... [a district court may] *sua sponte* dismiss an action whenever necessary to achieve the orderly and expeditious disposition of cases.”) (internal citations omitted); see also Fed. R. Civ. P. 41(b) (“For failure of the plaintiff to prosecute or to

comply with these rules or any order of the court, a defendant may move for dismissal of an action or of any claim against the defendant.”).

For the reasons set forth above, the Court hereby DISMISSES Plaintiff’s complaint in its entirety, for failure to prosecute.

SIGNED and ORDERED this 9th day of March, 2009.


Janis Graham Jack
United States District Judge